



Order Filed on December 30, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1 DENISE CARLON, ESQUIRE KML LAW GROUP, P.C. Sentry Office Plz 216 Haddon Ave. Suite 406 Westmont, NJ 08018 dcarlon@kmlawgroup.com Attorneys for Secured Creditor The Bank of New York Mellon f/k/a The Bank of New York as Indenture trustee for CWHEQ revolving Home Equity Loan Trust, Series 2006-1
In Re: Nicole A. Ascioylla-Crespo, Efrain Crespo Jr., Debtors.

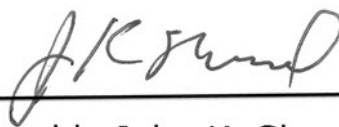
Case No.: 19-28202 JKS
Adv. No.:
Hearing Date: 11/14/19 @ 8:30 a.m.

Judge: John K. Sherwood

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED

**DATED: December 30,
2019**



Honorable John K. Sherwood
United States Bankruptcy Court

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Debtors:

Nicole A. Ascioilla-Crespo, Efrain Crespo Jr.

Case No.:

19-28202 JKS

Caption:

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor The Bank of New York Mellon f/k/a The Bank of New York as Indenture trustee for CWHEQ revolving Home Equity Loan Trust, Series 2006-1, holder of a mortgage on real property located at 236 North 17th Street, Bloomfield, NJ 07003, Denise Carlon appearing, by way of objection to the confirmation of Debtors' Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and Michael Schwartzberg, Esquire, attorney for Debtors, and for good cause having been shown;

It **ORDERED, ADJUDGED and DECREED** Secured Creditor's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtors' Chapter 13 Plan; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** The avoidance of Secured Creditor's second lien is contingent upon the Debtors' completion of the Chapter 13 plan and the Debtors' receipt of a Chapter 13 discharge; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** Secured Creditor shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtors' Chapter 13 case or the conversion of the Debtors' Chapter 13 case to any other Chapter under the United States Bankruptcy Code; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** Each party shall bear their own attorney's fees and costs incurred in the present case number; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** In the event that the property is destroyed or damaged, pursuant to the mortgage, Secured Creditor is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtors' completion of the Chapter 13 plan, Secured

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Debtors: Nicole A. Ascioylla-Crespo, Efrain Crespo Jr.

Case No.: 19-28202 JKS

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

Creditor's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** Secured Creditor shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Efrain Crespo, Jr.
Nicole A. Asciolllla-Crespo
Debtors

Case No. 19-28202-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 30, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Jan 01, 2020.

db/jdb +Efrain Crespo, Jr., Nicole A. Asciolllla-Crespo, 236 North 17th Street, Apt. 3,
Bloomfield, NJ 07003-5982

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 01, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 30, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York
as Indenture trustee for CWHEQ revolving Home Equity Loan Trust, Series 2006-1
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New
York as Indenture trustee for CWHEQ revolving Home Equity Loan Trust, Series 2006-1
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Michael Schwartzberg on behalf of Debtor Efrain Crespo, Jr. michael@jerseylaws.com
Michael Schwartzberg on behalf of Joint Debtor Nicole A. Asciolllla-Crespo
michael@jerseylaws.com
Shauna M Deluca on behalf of Creditor U.S. Bank National Association sdeluca@rasflaw.com
Sindi Mncina on behalf of Creditor U.S. Bank National Association smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8